

United States District Court

WESTERN DISTRICT OF WASHINGTON

JOSEPH M. SPARKS

JUDGMENT IN A CIVIL CASE

v.

STATE OF WASHINGTON, et al.,

CASE NUMBER: C08-5600BHS

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation; and

Plaintiff's civil rights complaint (Dkt. 9) is **DISMISSED WITHOUT PREJUDICE**. While it is difficult for the Court to understand the intent of Plaintiff's complaint, it appears Plaintiff seeks to challenge the fact of his incarceration. Plaintiff should refer to his former habeas petition and its attendant state exhaustion requirement. (*Sparks v. Unknown*, C08-5484RJB/JKA, Dkt. #7).

January 26, 2009
Date

BRUCE RIFKIN
Clerk

s/CM Gonzalez
Deputy Clerk